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**BARNES & THORNBURG**

Attorneys at Law

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(260) 423-9440

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**FAX COVER SHEET**

	NAME	COMPANY NAME	TELECOPY NO.
TO:	Examiner Tung S. Lau	United States Patent Office	703-872-9319

FROM: Gregory S. Cooper

DIRECT DIAL: (260) 425-4660

E-MAIL:

DATE: October 28, 2002

TIME SENDING: \_\_\_\_\_

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 5

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**DELIVER DIRECTLY TO EXAMINER TUNG S. LAU**  
**GROUP ART UNIT 2863****FAX COPY RECEIVED**  
**OCT 28 2002**

TECHNOLOGY CENTER 2800

Response once received: Please deliver immediately.

CLIENT# 28908

MATTER# 82353

☐ Original to follow by mail☒ Original will not follow by mail

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**\*23641\*****23641**

PATENT TRADEMARK OFFICE

**BARNES & THORNBURG**600 One Summit Square  
Fort Wayne, Indiana 46802  
(260) 423-94408/EOK24  
Response  
NE  
P. Walker  
10-31-02**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Customer No.: **23641**

Application No.: 09/584570

Confirmation  
No.:

3873

Filing Date: May 31, 2000

Attorney  
Docket No.: 28908-82353First Named  
Inventor: Steven M. ReynoldsGroup Art  
Unit: 2863Examiner  
Name: Tung S. LauTitle: PUMP AND METHOD FOR  
FACILITATING  
MAINTENANCE AND  
ADJUSTING OPERATION OF  
SAID PUMP**Certificate of Transmission**I hereby certify that this correspondence is  
being facsimile transmitted to the Patent and  
Trademark Office (Fax No. 707-872-9319)on October 28, 2002**FAX COPY RECEIVED****OCT 28 2002****RESPONSE TO FINAL ACTION**

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Box AF  
Assistant Commissioner of Patents  
Washington, D.C. 20231Sir:  
10/31/2002 PWALKER 00000002 021010 0958457001 FC:1252 400.00 CH The following is Applicants' response to the Official Action mailed June 25,  
2002, in connection with the above-identified application.

FWD501 GZC 162832\_1.DOC

Received from &lt; &gt; at 10/28/02 3:52:21 PM [Eastern Standard Time]

**\*23641\*****23641**

PATENT TRADEMARK OFFICE

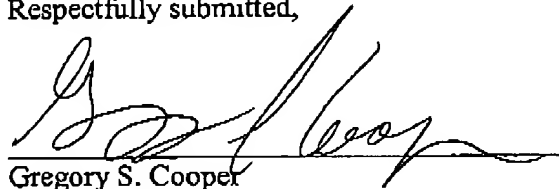
Serial No. 09/584570  
Docket No. 28908-82353

Pursuant a discussion with the Examiner on October 28, 2002, this Response is being sent to trigger the issuance of the non-final Office Action referenced in the Examiner's Interview Summary Report mailed September 24, 2002. A copy of the Interview Summary report is attached herewith.

If, upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (28908/82353) and please credit any excess fees to such deposit account.

Respectfully submitted,



Gregory S. Cooper  
Reg. No. 40,965  
(260) 423-9440

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**OCT 28 2002**  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,570	05/31/2000	Steven M. Reynolds	P99, 0629 <b>82353</b>	3873

23641 7590 09/24/2002  
BARNES & THORNBURG  
600 ONE SUMMIT SQUARE  
FORT WAYNE, IN 46802

EXAMINER

LAU, TUNG S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/584570

EXAMINER
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ART UNIT	PAPER NUMBER
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2843

DATE MAILED:

## INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) John Hilten (3) Gregory Cooper  
(2) Tuglas (4)

Date of Interview 9-12-02

Type: ☒ Telephonic ☐ Televideo Conference ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description:Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed:

17, 1

Identification of prior art discussed:

Prior art

Description of the general nature of what was agreed to if an agreement was reached; or any other comments:

prior art fail to teach Acoustic sensing, Applicant rep. discuss the prior art, claim 17, art fail to teach this features, now final rejection will send to applicant.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

FORM PTOL-413 (REV. 2-98)

Tuglas

9-12-02

JOHN S. HILTEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

# Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

## §1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon Interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) An identification of the claims discussed,
- 3) An identification of specific prior art discussed,
- 4) An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) A brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) A general indication of any other pertinent matters discussed, and
- 7) If appropriate, the general results or outcome of the interview unless already described in the interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

## Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.